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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,069	08/17/2001	Martin Freeman	US 018122	5574

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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EXAMINER

JUNG, DAVID YIUK

ART UNIT PAPER NUMBER

2134

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,069

Applicant(s)

FREEMAN

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-11, 16-17 are presented.

### ***Response to Arguments***

Applicant's arguments filed 2/22/2005 have been fully considered but they are not persuasive. Pages 7-9 of the Amendment are the Remarks section. Page 7 discusses prior art. Pages 8-9 recite the claims. Page 8 (at the first full paragraph) give "both a first ... signal and a second ... signal are transmitted at the same time" as the novelty.

Thus, the crux of the novelty is the signals being transmitted "at the same time." Nevertheless, this is not reflected in the claims; Applicant does not point to any part of the claims in which this feature is recited. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., signals being transmitted at the same time) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### **CLAIM REJECTIONS**

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samar (cited by Applicant, EP Application 0752635A1).

Regarding claim 1, Samar teaches "A system for decrypting encrypted transmissions of at least a first signal and a second signal, comprising:

a receiver for receiving transmissions of the at least first signal and second signal, the receiver having a first embedded conditional access module for decrypting the first transmitted signal, and a second removable conditional access module for decrypting the second transmitted signal (column 7, lines 10-51, the system having an access with input);

wherein enabling of the second conditional access module causes the second conditional access module to override the first conditional module (column 2, line 13 to column 4, line 14, access with smart cards – which would get information from smart card rather than from the regular input)."

These passages of Samar do not teach "module" in the sense of the claim.

Nevertheless, it was well known in the art to have a "module" situation for the motivation of having easier control and handling.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Samar for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 2 (two different encryptions, etc.), such particular features are well known in the art for the purpose of extra security.

Regarding claim 3 (more different encryptions, etc.), such particular features are well known in the art for the purpose of extra security. Regarding claims 4-11, such particular features are well known in the art for the purpose of handling information with extra security.

Regarding claim 16, Samar teaches "A system for decrypting encrypted transmissions of at least one signal, comprising a receiver for receiving transmissions of the at least one signal, the receiver including a first embedded conditional access module having a decryption algorithm capable of decrypting a portion of the at least one signal and a second removable conditional access module having a decryption algorithm capable of decrypting the entire at least one signal (column 7, lines 10-51, the system having an access with input), wherein enabling of the second removable conditional access module causes the second removable conditional access module to override the first conditional access module (column 2, line 13 to column 4, line 14, access with smart cards – which would get information from smart card rather than from the regular input)."

These passages of Samar do not teach "module" in the sense of the claim.

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Nevertheless, it was well known in the art to have a "module" situation for the motivation of having easier control and handling.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to modify Samar for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claim 17. (two different encryptions, etc.), such particular features are well known in the art for the purpose of extra security.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 746-7239, (for formal communications intended for entry)

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**Or:**

(703) 746-5606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

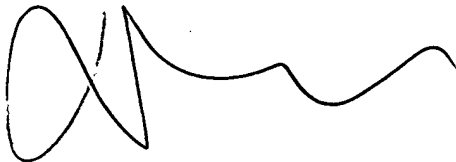
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Greg Morse whose telephone number is (571) 272-3838.

David Jung

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Patent Examiner

5/2/05

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke.